

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BONNIE MOSS, as the Personal  
Representative of the Estate of  
MARK S. MOSS, deceased,

Plaintiff,

v.

Civ. No. 22-390 WJ/KK

BNSF RAILWAY COMPANY,

Defendant.

**ORDER ADOPTING FIRST AMENDED JOINT STATUS REPORT AND  
PROVISIONAL DISCOVERY PLAN AND  
AMENDING CASE MANAGEMENT DEADLINES**

THIS MATTER comes before the Court following a review of the parties' First Amended Joint Status Report and Provisional Discovery Plan (Doc. 21), filed November 15, 2022. The Court adopts the First Amended Joint Status Report and Provisional Discovery Plan modified as follows:

- a) Maximum of 10 Interrogatories by each party to any other party;
- b) Maximum of 15 Substantive Requests for Admission by each party to any other party, and there shall be no limit on Requests for Admission directed solely to the authenticity and admissibility of documents;
- d) Maximum of 5 depositions by each party; and,
- e) Fact depositions are limited to 4 hours, and expert depositions are limited to 7 hours, unless extended by agreement of the parties.

The following case management deadlines are set:

- a) Deadline for Plaintiffs to amend and join additional parties by written consent or to seek the Court's leave

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| to amend and join additional parties in compliance with Fed. R. Civ. P. 15(a)(2):  | December 30, 2022  |
| b) Deadline for Defendant to amend and join additional parties by written consent or to seek the Court's leave to amend and join additional parties in compliance with Fed. R. Civ. P. 15(a)(2): | January 13, 2023   |
| c) Plaintiffs' Rule 26(a)(2) expert disclosures <sup>1</sup> :   | April 3, 2023      |
| d) Defendant's Rule 26(a)(2) expert disclosures <sup>1</sup> :   | June 5, 2023       |
| e) Termination date for fact discovery <sup>2</sup> :  | April 3, 2023      |
| f) Termination date for expert discovery <sup>2</sup> :  | September 15, 2023 |
| g) Motions relating to discovery to be filed by <sup>3</sup> :   | October 6, 2023    |
| h) Pretrial motions other than discovery motions (including motions which may require a Daubert hearing) filed by <sup>4</sup> :   | October 20, 2023   |
| i) Plaintiffs' portions of proposed Pretrial Order due from Plaintiffs to Defendant by:  | January 18, 2024   |
| j) Parties' consolidated proposed Pretrial Order due from Defendant to Court by:   | February 1, 2024   |

Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express, written approval obtained for any modification of the case management deadlines set forth herein. Any requests for additional discovery must be submitted

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<sup>1</sup> Parties must disclose the names of all expert witnesses, the subject matter on which the experts will present evidence, and a summary of the facts and opinions to which the experts are expected to testify by this date. Experts who are retained or specifically employed to provide expert testimony must also submit an expert report by this date. *See* Fed. R. Civ. P. 26(a)(2). The parties must have their retained expert(s) ready to be deposed at the time they identify them and provide their reports. Expert witnesses who are not required to provide a written report may be deposed before summary disclosure.

<sup>2</sup> This category of discovery must be completed on or before this deadline.

<sup>3</sup> This deadline should not be construed to extend the twenty-one-day time limit in D.N.M.LR-Civ. 26.6.

<sup>4</sup> In addition to dispositive motions, this deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions in limine. The Court will set a motions in limine deadline in a separate order.

to the Court by motion before the discovery deadline expires. Supplementation under Fed. R. Civ. P. 26(e) due by August 1, 2023.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kirtan Khalsa". The signature is fluid and cursive, with the first name "Kirtan" and last name "Khalsa" clearly distinguishable.

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KIRTAN KHALSA  
UNITED STATES MAGISTRATE JUDGE